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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jay M. Short et al.

Art Unit : 1652

Serial No. : 09/580,515

Examiner : Delia M. Ramirez, Ph.D.

Filed : May 25, 2000

Title : RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

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INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed for filing in the above-referenced patent application is a Form PTO-1449, being submitted after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. Applicants respectfully request consideration of the remarks and references set forth herein.

The following documents are enclosed herewith:

- Form PTO-1449, newly filed
- Postcard
- copy of cited reference

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

February 12, 2003

Date of Deposit

Signature

*Jeanne Amour-Rice*

Jeanne Amour-Rice

Typed or Printed Name of Person Signing Certificate

Applicant : Jay M. Short et al.  
Serial No. : 09 580,515  
Filed : May 25, 2000  
Page : 2

Attorney's Docket No.: 09010-029005 DIVER1370-4

### REMARKS

The reference cited on attached form PTO-1449 is being called to the attention of the Examiner. A copy of the reference is enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the reference be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

The enclosed document listed on the Form PTO-1449 was cited in "Summons to Attend Oral Proceedings Pursuant to Rule 71(1) EPC" issued in a foreign counterpart application not more than three months ago. To the best knowledge of the undersigned, this is the first citation of this item in any communication from a foreign patent office in a counterpart foreign application.

Applicant believes that no fee is required for submission of this statement, since it is being submitted within three months of being issued in a foreign counterpart application. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. If necessary, please deduct any necessary additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Applicant Jay M. Short et al.  
Serial No. 09 580.515  
Filed May 25, 2000  
Page 3

Attorney's Docket No.: 09010-029005 / DIVER1370-4

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date: \_\_\_\_\_

2/12/2003

Mi K. Kim

Mi K. Kim

Reg. No. 44,830

Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, California 92122  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

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